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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/099,965

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Yuji Kamura

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STAAS & HALSEY LLP

SUITE 700

1201 NEW YORK AVENUE, N.W.

WASHINGTON, DC 20005

EXAMINER

PHAN, HANH

ART UNIT

PAPER NUMBER

2613

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/099,965

Applicant(s)

KAMURA, YUJI

Examiner

Hanh Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 9 and 10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9 and 10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This Office Action is responsive to the RCE filed on 02/13/2006.

#### ***Claim Objections***

2. -In claim 9, lines 11 and 12, the phrase "a first light signal of a wavelength emitted from the first light source from the first repeater" should be changed to -- a second light signal of a wavelength emitted from the second light source from the second repeater--.

-In claim 9, lines 14 and 15, the phrase "a second light signal of a wavelength emitted from the second light source from the second repeater" should be changed to -- a first light signal of a wavelength emitted from the first light source from the first repeater--.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goel et al (US Patent No. 6,359,708) in view of Maroney (US Patent No. 6,681,079).

Regarding claims 9 and 10, referring to Figure 1, Goel teaches a transmission system performing optical transmission, comprising:

a first repeater and a second repeater (i.e., transmission nodes 50 and 60, Fig. 1);

wherein the first repeater includes a first light source, a first modulation control part, a first splitter, a first optical amplifier amplifying a first optical main signal and a first fault occurrence recognizing part (i.e., OA1, OA3, system controller 25, telemetry unit 35, Fig. 1, col. 2, lines 20-67 and col. 3, lines 1-56);

wherein the second repeater includes a second light source, a second modulation control part, a second splitter, a second optical amplifier amplifying a second optical main signal and a second fault occurrence recognizing part (i.e., OA2, OA4, system controller 30, telemetry unit 40, Fig. 1, col. 2, lines 20-67 and col. 3, lines 1-56);

wherein the first and second repeaters (50, 60, Fig. 1) are optically connected by a first optical transmission line (i.e., optical fiber 6, Fig. 1) transmitting the first optical main signal and a first optical supervisory channel signal which is produced by modulating a first light signal of a wavelength emitted from the first light source from the first repeater to the second repeater, and a second optical transmission line (i.e., optical fiber 7, Fig. 1) transmitting a second optical main signal and a second optical supervisory channel signal which is produced by modulating a second light signal of a wavelength emitted from the second light source from the second repeater to the first repeater;

wherein the first light signal is separated into a first optical supervisory signal by the first splitter which is provided between the first light source and the first modulation control part (Fig. 1);

wherein the second light signal is separated into a second optical supervisory signal by the second splitter which is provided between a second light source and the second modulation control part (Fig. 1);

wherein the second repeater transmits the second optical supervisory signal to the first repeater along the second optical transmission line (Fig. 1);

wherein the first repeater transmits the first optical supervisory signal to the second repeater along the first optical transmission line (Fig. 1);

wherein, when the first fault occurrence recognizing part recognizes a level of the first optical supervisory signal below a predetermined threshold level of the first optical supervisory signal, the fault occurrence recognizing pad prevents only the first amplifier from amplifying the first optical main signal, and

wherein, when the second fault occurrence recognizing pad recognizes a level of the second optical supervisory signal below a predetermined threshold level of the second optical supervisory signal, the second fault occurrence recognizing part prevents only the second amplifier from amplifying the second optical main signal (col. 2, lines 20-67 and col. 3, lines 1-56).

Goel differs from claims 9 and 10 in that he fails to teach the second repeater transmits the first optical supervisory signal to the first repeater along the first optical transmission line and the first repeater transmits the second optical supervisory signal to the second repeater along the second optical transmission line. However, Maroney in US Patent No. 6,681,079 teaches transmitting a monitor signal on the fiber in a direction opposite to the propagation of traffic signals on the transmission fiber at an optical

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amplifier (see abstract section, col. 2, lines 50-67, col. 3, lines 1-67 and col. 4, lines 1-17). Therefore, it would have been obvious to one having skill in the art at the time the invention was made to incorporate the transmitting a monitor signal on the fiber in a direction opposite to the propagation of traffic signals on the transmission fiber at an optical amplifier as taught by Maroney in the system of Goel. One of ordinary skill in the art would have been motivated to do this since Maroney suggests in column 2, lines 50-67, col. 3, lines 1-67 and col. 4, lines 1-17 and abstract section using such the transmitting a monitor signal on the fiber in a direction opposite to the propagation of traffic signals on the transmission fiber at an optical amplifier have advantage of allowing providing a faster shutdown of amplifiers.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 9 and 10 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Phan whose telephone number is (571)272-3035.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan, can be reached on (571)272-3022. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.

  
**HANH PHAN**  
**PRIMARY EXAMINER**